

PHILLIP A. TALBERT
United States Attorney
LAUREL J. MONTOYA
Assistant United States Attorney
Robert E. Coyle Federal Courthouse
2500 Tulare Street
Fresno, CA 93721

(559) 497-4000

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT ANTHONY MENDOZA, JR.,

Defendant.

CASE NO. 1:22-CR-00193-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: January 10, 2024

TIME: 1 p.m.

COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on January 10, 2024 at 1 p.m.
2. By this stipulation, the parties now move to continue the status conference until February 28, 2024, and to exclude time between January 10, 2024, and February 28, 2024, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The discovery has been provided to the defense.
 - b) The government has been provided to defense counsel. Additional time is needed for review and plea negotiations.
 - c) Counsel for defendant needs additional time to review discovery as well as conduct any investigation warranted. Counsel for defendant needs time to discuss the potential

1 resolution of the matter with the government. Counsel for defendant believes that failure to grant
2 the above-requested continuance would deny him/her the reasonable time necessary for effective
3 preparation, taking into account the exercise of due diligence.

4 d) Based on the above-stated findings, the ends of justice served by continuing the
5 case as requested outweigh the interest of the public and the defendant in a trial within the
6 original date prescribed by the Speedy Trial Act.

7 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
8 et seq., within which trial must commence, the time period of January 10, 2024 to February 28,
9 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
10 T4] because it results from a continuance granted by the Court at defendant's request on the basis
11 of the Court's finding that the ends of justice served by taking such action outweigh the best
12 interest of the public and the defendant in a speedy trial.

13 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
14 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
15 must commence.

16 IT IS SO STIPULATED.

17 Dated: December 21, 2023

18 PHILLIP A. TALBERT
United States Attorney

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20 /s/ LAUREL J. MONTOYA
LAUREL J. MONTOYA
Assistant United States Attorney

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22 Dated: December 21, 2023

23 /s/ RICHARD BESHWATE, JR.
RICHARD BESHWATE, JR.
Counsel for Defendant
24 ROBERT ANTHONY
25 MENDOZA, JR.,

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ORDER

IT IS SO ORDERED that the status conference is continued from January 10, 2024, to **February 28, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **December 21, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE